

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 18-CP-21-00389

Aiken, Bridges Elliott, Tyler & Saleeby, P.A.

Justice Family Farms, LLC

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Kevin M. Barth

Attorney for : ☒ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41, SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

| Judgment in Favor of (List name(s) below) | Judgment Against (List name(s) below) | Judgment Amount To be Enrolled (List amount(s) below) |
|--|--|--|
| Aiken, Bridges, Elliott, Tyler & Saleeby, PA | Justice Family Farms, LLC | \$66,163.50 |
| | | \$ |
| | | \$ |

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge

Judge Code

Date

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

CLERK OF COURT

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Fileers or who are appearing pro se. See Rule 77(d), SCRPC.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

STATE OF SOUTH CAROLINA
COUNTY OFFLORENCE

) IN THE COURT OF COMMON PLEAS
) TWELFTH JUDICIAL CIRCUIT
) CASE NO. 18-CP-21-389

Aiken, Bridges, Elliott,
Tyler & Saleeby, P.A.,

Plaintiff,

v.

Justice Family Farms, LLC,

Defendant.

FILED
2018 JUN 27 AM 9:54
DORIS POULOS O'HARA
CCCP & GS
FLORENCE COUNTY, SC
ORDER

This matter comes before me upon Motion of Kevin M. Barth, attorney for the Plaintiff, herein seeking judgment against the Defendant, for damages arising out of the Attorney's Fee Agreement between the Plaintiff and the Defendant entered into on or about November 15, 2013.

IT APPEARING from the Motion for Judgment by Default and the Court's file that the Defendant in this matter was duly and properly served with a Summons and Complaint by and through its duly appointed registered agent for service.

IT FURTHER APPEARING that more than thirty-five (35) days have elapsed during which time no responsive pleadings have been filed by the Defendant, nor anyone on its behalf, nor has anyone appeared on behalf of the Defendant in response to the Summons and Complaint.

IT FURTHER APPEARING that the damages sought in this action are liquidated and verified through an exhibit attached to the Complaint, as provided for within Rule 9(i) of the South

Carolina Rules of Civil Procedure; and therefore no hearing is necessary pursuant to Rules 5 and 55(b)(1) of the South Carolina Rules of Civil Procedure.

IT FURTHER APPEARING to this Court through verified pleadings and the motion presented pursuant to Rule 12(c) of the South Carolina Rules of Civil Procedure, that the Plaintiff has suffered liquidated damages in the amount of Fifty-Five Thousand Three Hundred Twenty Seven and 31/100 (\$55,327.31), and interest in the amount of Ten Thousand Eight Hundred Thirty Six and 19/100 (\$10,836.19) Dollars.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED pursuant to the provisions of Rules 54 and 55 of the South Carolina Rules of Civil Procedure, the Plaintiff's Motion for Judgment by Default is hereby granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the above-named Plaintiff is hereby granted judgment against the Defendant in the amount of Sixty-Five Thousand Nine Hundred Ninety-One and 08/100 (\$66,163.50) Dollars.

AND IT IS SO ORDERED!



HONORABLE D. CRAIG BROWN
ADMINISTRATIVE JUDGE FOR THE
TWELFTH JUDICIAL CIRCUIT

BORIS POULOS O'HARA
CCCP & GS
FLORENCE COUNTY, SC

2018 JUN 27 AM 9:54

FILED

Florence, South Carolina

6-26, 2018

Barth, Ballenger & Lewis, LLP

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Kevin M. Barth
E. Guy Ballenger
Nicholas W. Lewis
Brendan P. Barth

Michael Ballenger (Retired)

June 20, 2018

Honorable D. Craig Brown

HAND DELIVERED

Re: Aiken, Bridges, Elliott, Tyler & Saleeby, P.A. v. Justice
Family Farms, LLC
Case No. 18-CP-21-389

Dear Judge Brown:

Enclosed for your consideration, please find an Order granting judgment by default to the Plaintiff in the above-referenced matter. I have also enclosed, for your review, a copy of the Entry of Default by the Clerk, Motion for Judgment by Default and Certificate and Petition for Judgment previously filed in this case.

If you find the enclosed Order to be appropriate, please sign it and I will send a runner to retrieve it from the Clerk's office.

Thank you for your time and consideration. With best regards, I am

Sincerely,



Kevin M. Barth
kbarth@bblawsc.com

KMB/chg
enclosure

2018 JUN 27 AM 9:54
DORIS POULOS O'HARA
CCCP & GS
FLORENCE COUNTY, SC

FILED